

Staff Summary Report



Hearing Officer Hearing Date: September 4, 2007

Agenda Item Number: 14

SUBJECT: This is a public hearing for a request by the **BENSEL RESIDENCE (PL070358)** located at 1037 East Loma Vista for one (1) use permit.

DOCUMENT NAME: 20070904dsjc03

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **BENSEL RESIDENCE (PL070358)** (Curt Wilt/Architectural Additions, applicant; Brian Bense, property owner) located at 1037 East Loma Vista in the R1-6, Single Family Residential District for:

ZUP07123 Use permit to allow parking in the front yard setback.

PREPARED BY: Jon Christopher, Planner II (480-350-8436)

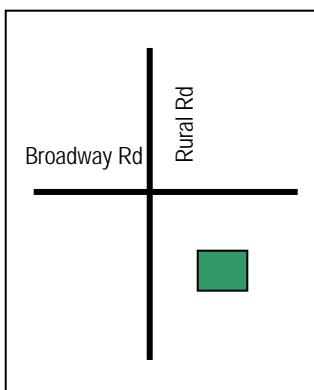
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-3

ADDITIONAL INFO: The Bense, Residence is before the Hearing Officer to request a use permit to allow the required parking to be located in front yard setback. The applicant is proposing to enclose the existing two-car garage into a livable space and therefore prompting the need to locate the parking of two vehicles in the front yard setback. To date, no opposition has been received to the request. Staff supports the use permit as proposed in this application.



PAGES:

1. List of Attachments
2. Comments; Reason(s) for Approval
3. Conditions of Approval; History & Facts/Description
Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Elevation Plan/Floor Plan
- 6-7. Staff Photograph(s)

COMMENTS:

The Bensel residence is located mid-block on a residential street (Loma Vista Drive) south of Broadway Road and east of Rural Road. The home was originally designed and constructed with a two-car garage. The applicant is planning to enclose the two car garage for livable space and therefore, requests a use permit to park in the required front yard setback.

The applicant indicates the purpose in enclosing the two car garage is to add more livable space to allow their mother to live with the family in the residence instead assisted living. The proposed garage enclosure will match the existing residence in design, color and material.

Use Permit

The Zoning and Development Code requires a use permit for vehicle parking located in the required front yard setback in the R1-6, Single Family Residential District.

Evaluating the use permit, the proposal appears to pass the use permit tests listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - No potential nuisances.
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
 - The proposal would not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.

Conclusion

This use permit request is similar to others for homes constructed during the 1960's and 1970's in that these homes are typically smaller in livable space than recently constructed homes. Therefore, the garage or carport enclosure is a viable option for increasing the livable area of the home. This home was built in 1964. Staff recommends approval of this request.

REASON(S) FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
3. Traffic generated by this use should not be excessive.
4. The use appears to be compatible with the building, site and adjacent property.
5. Approval of the use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

CONDITION(S)
OF APPROVAL:

- 1. Obtain all the necessary clearances from the Building Safety Division.
- 2. The enclosed garage shall match the existing residence in design, color and material.
- 3. The detached accessory building shall not be used as a separate living unit. Only one residential unit allowed in the R1-6 single family zoning district.

HISTORY & FACTS:

April 17, 1964 The Bensel residence was built in April 17, 1964 by the Knoell Brothers Builders.

DESCRIPTION:

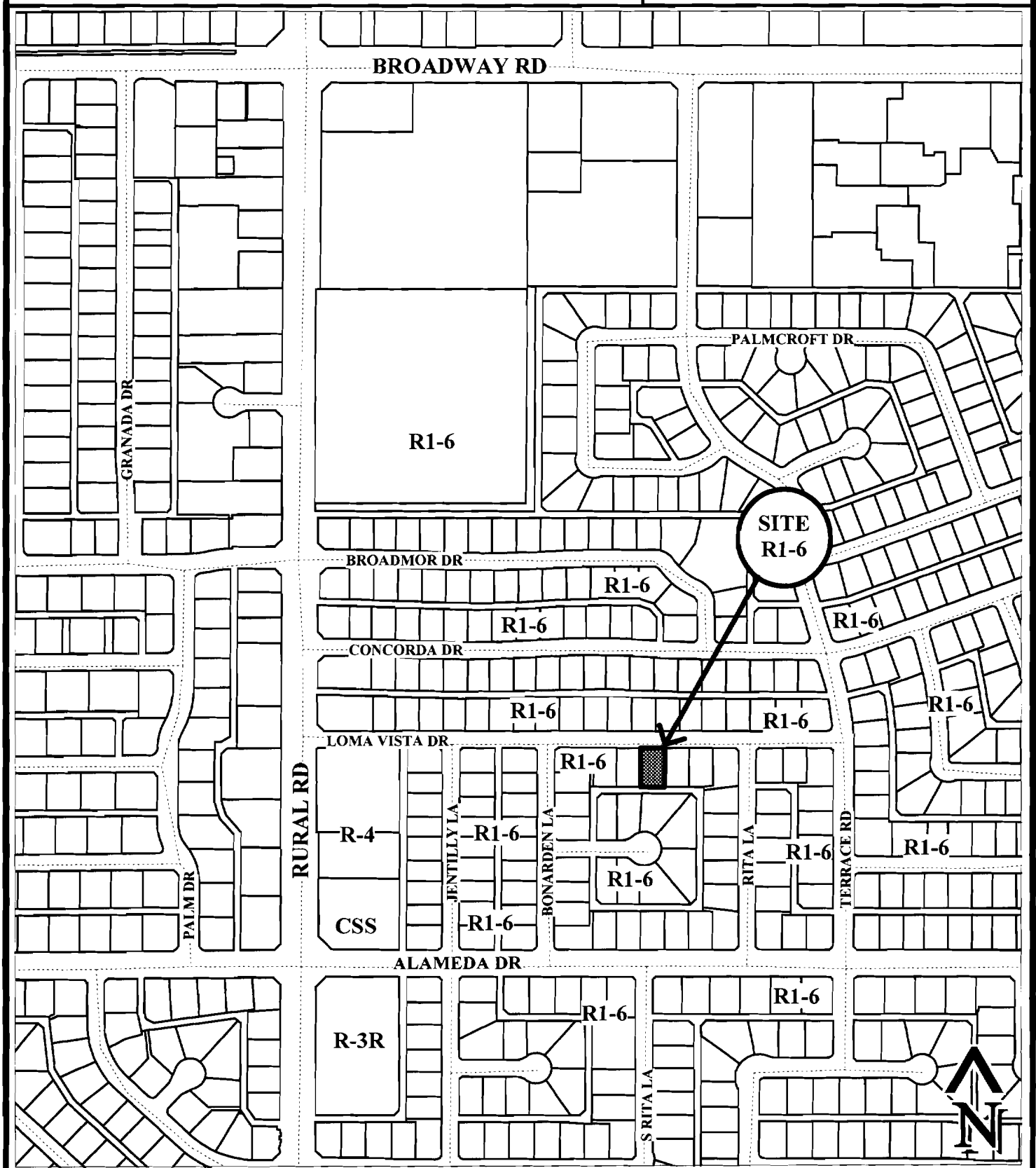
Owner – Brian Bensel
Applicant – Curt Wilt/Architectural Additions
Existing Zoning – R1-6, Single Family Residential District
Existing Home Area – 1,613 s.f.
Enclosed carport Area – 435.3 s.f.
Required front yard setback – 20 feet

ZONING AND
DEVELOPMENT
CODE REFERENCE:

Zoning and Development Code, Part 6, Section 6-308
Zoning and Development Code, Chapter 6, Section 4-602- B - 7

BENSEL RESIDENCE

PL070358



Location Map



E LOMA VISTA

BENSEL RESIDENCE (PL070358)

LETTER OF EXPLANATION

City of Tempe
Development Services
Planning Department
I.E. Use Permit Application

August 5, 2007

To the Officer / Board / Commission:

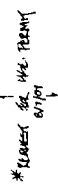
The intent of this project is simple. The Bensel family would like to convert their existing 2 car garage into an In-law suite to allow their mother to live with them rather than a costly assisted or elderly home. Due to the converted space they are requesting a use permit to allow parking of their vehicles in the front yard setback. There will still remain 16 feet in between the back end of the parked car and the sidewalk edge. The design of the structure / enclosure is tied into the current look of the dwelling as well as within the surrounding neighborhood content. There will be no disruption to vehicular or pedestrian traffic.

Thank you for your time and consideration,

Signed,

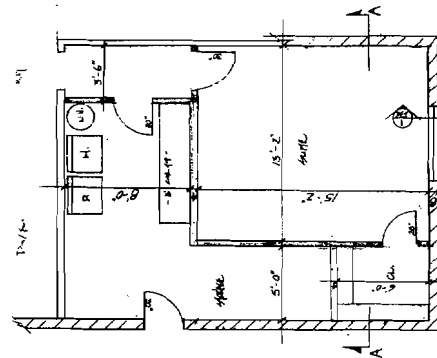


Applicant.



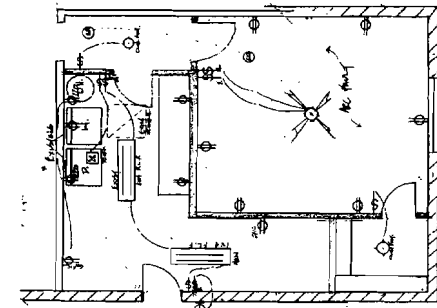
MR. PENKAL RESIDENT

- CIRCLE CONNECTION OF 4140 TO N. LAMAR
- 1037 E. LOMA VISTA • SEATTLE WA 98102
- HUNTER ACRES SUBDIVISION
- LOT 111 • PARCEL # 153-14-112
- AUGUST 6, 2027 APPROVAL

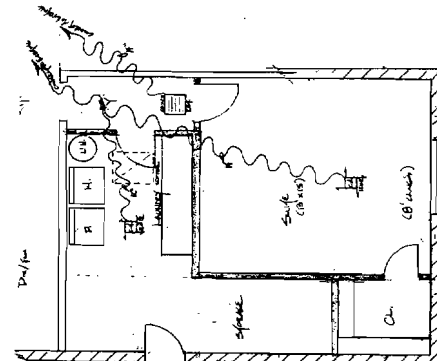


NEW FLOOR PLAN

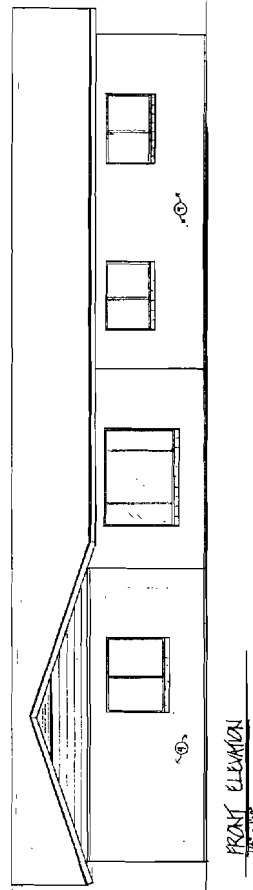
- KEY NOTES:**
1. THE EXISTING FLOOR SLAB IS TO BE REMOVED AND REPLACED WITH A NEW 4" THICK CONCRETE SLAB ON 12" DIA. REINFORCING BARS. THE NEW SLAB IS TO BE FINISHED WITH 1/2" SAND DUST DPM.
 2. THE EXISTING WALLS ARE TO BE REMOVED AND REPLACED WITH NEW 8" THICK CMU WALLS. THE NEW WALLS ARE TO BE FINISHED WITH 1/2" SAND DUST DPM.
 3. THE EXISTING ROOF IS TO BE REMOVED AND REPLACED WITH A NEW 2" THICK POLYSTYRENE INSULATION ON 12" DIA. REINFORCING BARS. THE NEW ROOF IS TO BE FINISHED WITH 1/2" SAND DUST DPM.
 4. THE EXISTING FLOORING IS TO BE REMOVED AND REPLACED WITH NEW 1/2" THICK LAMINATE FLOORING. THE NEW FLOORING IS TO BE FINISHED WITH 1/2" SAND DUST DPM.
 5. THE EXISTING PAINT IS TO BE REMOVED AND REPLACED WITH NEW PAINTESS COAT. THE NEW PAINT IS TO BE FINISHED WITH 1/2" SAND DUST DPM.
 6. THE EXISTING DOORS AND WINDOWS ARE TO BE REMOVED AND REPLACED WITH NEW 1/2" THICK ALUMINUM DOORS AND WINDOWS. THE NEW DOORS AND WINDOWS ARE TO BE FINISHED WITH 1/2" SAND DUST DPM.
 7. THE EXISTING LIGHT FIXTURES ARE TO BE REMOVED AND REPLACED WITH NEW 1/2" THICK LED LIGHT FIXTURES. THE NEW LIGHT FIXTURES ARE TO BE FINISHED WITH 1/2" SAND DUST DPM.
 8. THE EXISTING VENTILATION SYSTEM IS TO BE REMOVED AND REPLACED WITH A NEW 1/2" THICK MECH. EXHAUST SYSTEM. THE NEW MECH. EXHAUST SYSTEM IS TO BE FINISHED WITH 1/2" SAND DUST DPM.
 9. THE EXISTING PLUMBING IS TO BE REMOVED AND REPLACED WITH NEW 1/2" THICK PLUMBING. THE NEW PLUMBING IS TO BE FINISHED WITH 1/2" SAND DUST DPM.
 10. THE EXISTING ELECTRICAL IS TO BE REMOVED AND REPLACED WITH NEW 1/2" THICK ELECTRICAL. THE NEW ELECTRICAL IS TO BE FINISHED WITH 1/2" SAND DUST DPM.



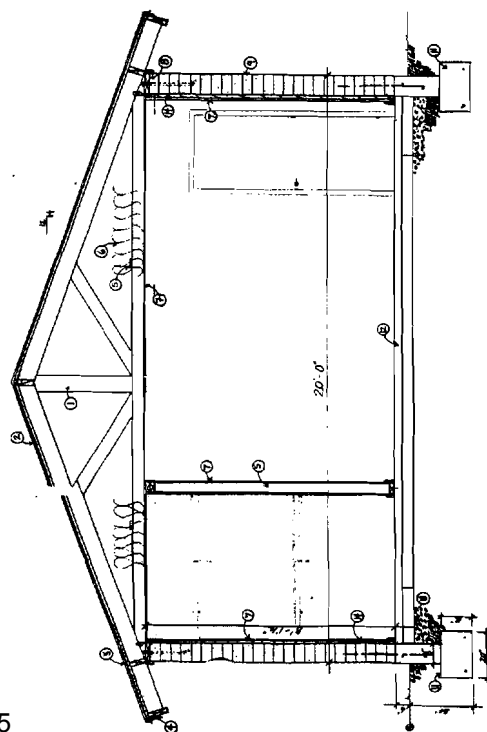
ELECTRICAL PLAN



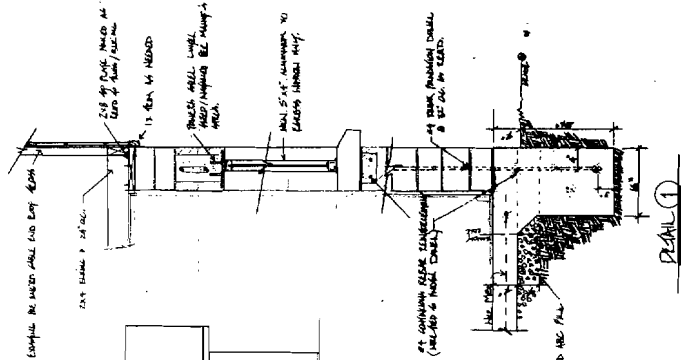
HVAC PLAN



FRONT ELEVATION



CROSS-SECTION A-A



DETAIL 1

- NOTES:**
1. ALL FLOOR, WALL, ROOF, AND CEILING ARE TO BE FINISHED WITH 1/2" SAND DUST DPM.
 2. THE EXISTING DOORS AND WINDOWS ARE TO BE REMOVED AND REPLACED WITH NEW 1/2" THICK ALUMINUM DOORS AND WINDOWS. THE NEW DOORS AND WINDOWS ARE TO BE FINISHED WITH 1/2" SAND DUST DPM.
 3. THE EXISTING LIGHT FIXTURES ARE TO BE REMOVED AND REPLACED WITH NEW 1/2" THICK LED LIGHT FIXTURES. THE NEW LIGHT FIXTURES ARE TO BE FINISHED WITH 1/2" SAND DUST DPM.
 4. THE EXISTING VENTILATION SYSTEM IS TO BE REMOVED AND REPLACED WITH A NEW 1/2" THICK MECH. EXHAUST SYSTEM. THE NEW MECH. EXHAUST SYSTEM IS TO BE FINISHED WITH 1/2" SAND DUST DPM.
 5. THE EXISTING PLUMBING IS TO BE REMOVED AND REPLACED WITH NEW 1/2" THICK PLUMBING. THE NEW PLUMBING IS TO BE FINISHED WITH 1/2" SAND DUST DPM.
 6. THE EXISTING ELECTRICAL IS TO BE REMOVED AND REPLACED WITH NEW 1/2" THICK ELECTRICAL. THE NEW ELECTRICAL IS TO BE FINISHED WITH 1/2" SAND DUST DPM.



BENSEL RESIDENCE

1037 E. LOMA VISTA DR

PL070358

FRONT OF RESIDENCE: VIEW TO THE SOUTH



BENSEL RESIDENCE

1037 E. LOMA VISTA DR

PL070358

FRONT OF RESIDENCE: GARAGE AND DRIVEWAY